

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

ROBERT P. SMITH III, D-00615,)
Plaintiff,) No. C 10-4562 CRB (PR)
vs.) ORDER GRANTING MOTION
STATE OF CALIFORNIA, et al.,) FOR RECONSIDERATION
Defendants.) (Docket # 27)

Per order filed on March 5, 2012, the court granted defendants' motion to dismiss plaintiff's pro se prisoner complaint alleging various violations of his federal and state rights while at California State Prison, Corcoran (CSP-COR) and while at Salinas Valley State Prison (SVSP), and gave plaintiff partial leave to amend to state a possible claim of inadequate medical care at SVSP. The court made clear that failure to amend within 30 days of the order would result in the dismissal of this action.

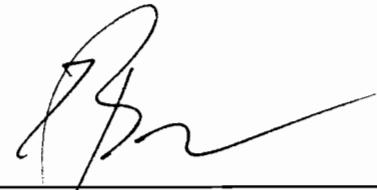
Per order filed on April 30, 2012, the court dismissed the action without prejudice because more than 40 days had elapsed and plaintiff had not amended or sought an extension of time to do so. Plaintiff moved for reconsideration shortly thereafter.

1 Good cause shown, plaintiff's motion for reconsideration (docket # 27) is
2 GRANTED and the April 30, 2012 order of dismissal and corresponding
3 judgment are VACATED.

4 The clerk is instructed to reopen this matter so that plaintiff may have a
5 final opportunity to amend to state a possible claim of inadequate medical care at
6 SVSP, as indicated in the March 5, 2012 order, by no later than September 28,
7 2012. The pleading must be simple and concise and must include the caption and
8 civil case number used in this order and the words FIRST AMENDED
9 COMPLAINT on the first page. Failure to file a proper amended complaint
10 within the designated time will result in the dismissal of this action. No further
11 extensions of time will be granted.

12 SO ORDERED.

13 DATED: 8/17/2012



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CHARLES R. BREYER
United States District Judge